IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM W. COPELAND,

No. CIV S-08-2464-CMK

Plaintiff,

VS.

<u>ORDER</u>

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Plaintiff, who is proceeding with retained counsel, brings this action for judicial review of a final decision of the Commissioner of Social Security under 42 U.S.C. § 405(g).

Pursuant to the court's scheduling order, plaintiff is required to prosecute this action by either seeking voluntary remand or filing a dispositive motion within 45 days from the date of service of the administrative record by defendant. Plaintiff was warned that failure to comply may result in dismissal of this action for lack of prosecution and failure to comply with court rules and orders. See Local Rule 11-110.

The time frame in which Plaintiff was to file his dispositive motion was extended pursuant to the parties' stipulation, as approved by the court. The stipulation provided for Plaintiff's motion for summary judgment to be filed by September 28, 2009. A review of the

docket reflects that to date, plaintiff has not filed a dispositive motion.

Plaintiff shall show cause in writing, within 30 days of the date of this order, why this action should not be dismissed for failure to file a dispositive motion. Plaintiff is again warned that failure to respond to this order may result in dismissal of the action for the reasons outlined above, as well as for failure to prosecute and comply with court rules and orders. See id. IT IS SO ORDERED.

DATED: November 9, 2009

CRAIG M. KELLISON

UNITED STATES MAGISTRATE JUDGE